

Before the
Federal Communications Commission
Washington, D.C. 20554

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AUG 10 2005

Federal Communications Commission
Office of Secretary

In the Matter of

Amendment of Section 73.202(b),
Table of Allotments,

FM Broadcast Stations.
(Eminence, Missouri)

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MM Docket No. 01-151
RM-10167
RM-10567

To: Office of Secretary
Attention: Assistant Chief, Audio Division

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MOTION TO ACCEPT
OPPOSITION TO JOINT PETITION FOR APPROVAL OF AGREEMENT
AND FOR OTHER RELIEF

KDAA-KMOZ, LLC ("KKL"), licensee of KDAA(FM), Channel 248A, Rolla, Missouri, by counsel, hereby files this Motion to Accept Opposition to Joint Petition for Approval of Agreement and for other Relief. On July 25, 2005, Four Him Enterprises, L. L. C. ("Four Him") and Ozark Broadcasting, Inc. ("Ozark"), filed a "Joint Petition for Approval of Agreement and for Other Relief" ("Joint Petition") seeking approval of an agreement that would result in Four Him paying Ozark \$100,000 in exchange for Ozark's downgrade of Station KJEL to Class C0 which would permit the upgrade of Four Him's KHZR, Potosi, MO, to Class C2. The upgrade of KHZR would require the downgrade of Station KJEL, Channel 279C, at Lebanon, Missouri, to Channel 279 C0 and the modification of license of Station KDAA, Channel 248A, at Rolla, MO, to operate on Channel 276A. Thus, KKL would be directly affected by the outcome of this proceeding.

The certificate of service shows that Four Him mailed a copy of the Petition to KKL's offices at Springfield, Missouri. Even though undersigned counsel had filed pleadings in this case,

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Four Him did not serve a copy of the pleading on counsel as required by Section 1.47(c) of the Rules. Undersigned counsel has been advised by KKL's president that KKL's president was out of the country and first reviewed a copy of the pleadings on Monday, August 9, 2005. KKL's president and undersigned counsel discussed this matter late on the afternoon of August 9, 2005, which is 10 days following the date on which the Joint Petition was served by mail (three additional days are afforded for mailed service), the deadline under Section 1.45 of the Rules.

Good cause exists for the acceptance and consideration of this opposition. Due to facsimile transmission problems, counsel received from KKL part of the pleadings on August 9, too late to file a response, and the remainder on August 10, 2005. As a result, KKL is filing its Opposition to the Joint Petition today, as quickly as possible and only one day after the deadline.

In light of the foregoing, KKL respectfully requests the Audio Division to accept its Opposition to Joint Petition for Approval of Agreement and for Other Relief.

Respectfully submitted,

KDAA-KMOZ, LLC



By: _____

Gary S. Smithwick
Its Attorney

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5028 Wisconsin Avenue, NW, Suite 301
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202-363-4560
August 10, 2005

CERTIFICATE OF SERVICE

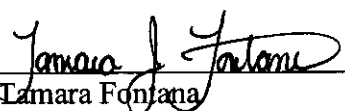
I, Tamara Fontana, do hereby certify that a copy of the foregoing "Motion to Accept Opposition to Joint Petition for Approval of Agreement and for Other Relief" was mailed by First Class U.S. Mail, postage prepaid (or hand delivery, as marked with an asterisk), this 10th day of August, 2005, to the following:

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